

**REMARKS**

**Status of the Application**

Claims 1-6 have been amended. Claims 7-9 are added. Thus, claims 1-9 are all the claims pending in the application, with claims 1, 4 and 7 being in independent form.

**Drawing Objection**

With respect to the Examiner's objection to Figure 3, Applicant has corrected the figure as suggested. Accordingly, Applicant requests the withdrawal of the objection.

**Claim Rejections under 35 U.S.C. § 103(a)**

The Examiner has rejected claims 1, 3, 4 and 6 under 35 U.S.C. § 103(a) as being unpatentable over Applicant's admitted prior art in view of Kanji (JP 2897769). This rejection is respectfully traversed.

Independent claims 1, 4 and 7 recite a unique combination of elements that define a transmission path sharing system for different types of networks. For example, a plurality of different types of networks share a common transmitter and transmission line to provide cost savings over utilizing separate transmission paths for each type of network. (Specification at page 2, line 27 - page 3, line 16). In one embodiment, at least one ATM network and at least one STM network share a common transmitter and transmission line, where an ATM network is

terminated as an STM network. (Specification at page 3, line 4 - page 4, line 26). Further, the system and method disclosed by Applicant allows for an ATM network such as a PDC system and a STM network such as an IMT-2000 network to utilize a common transmitter and transmission path. (Specification at page 7, line 15-25).

Applicant submits that the combination of Applicant's admitted prior art and Kanji fails to teach or suggest the claimed combination recited in claims 1, 4 and 7. The prior art system depicted in Figure 1 merely shows a conventional system wherein different networks each utilized a separate transmitter and transmission path. Further, Kanji teaches only sharing transmission lines of an existing mobile communication network with a new system. However, Kanji suggests nothing about sharing transmission lines with different types of networks. Indeed, Kanji states that the base stations of the existing and new network have the same function. (Kanji at abstract).

In order to account for this deficiency in Applicant's prior art and Kanji, the Examiner apparently relies on Official Notice. In rejecting independent claims 1 and 4, the Examiner concludes that it is known that a PDC system, IMT-2000 system or any type of system can be implemented on a shared transmission path. (Office Action at page 4). Applicant respectfully disagrees and requests the Examiner provide authority for this conclusion. Further, the Examiner fails to state how such different types of networks would be capable of sharing a common transmission path. Moreover, dependent claims 3 and 6 require at least one PDC system and at

least one IMT-2000 system to share a common transmitter and transmission path. As discussed above, a PDC system is an STM network and an IMT-2000 is an ATM network. The Examiner fails to indicate how such different types of networks could function on a common transmission path.

Additionally, the motivation to combine different networks in the manner suggested by the Examiner is improperly based on hindsight reasoning. As discussed above, Applicant discloses the sharing of different types of networks to save cost in service implementation.

Further, the Examiner has rejected claims 2-3 and 5-6 under 35 U.S.C. § 103(a) as being unpatentable over Applicant's admitted prior art in view of Kanji and further in view of Afanador et al. (US Patent No. 6,317,426, hereinafter "Afanador"). This rejection is respectfully traversed.

With respect, Applicant submits that the Examiner's reliance of Afanador is improper. Afanador teaches only a *line selector* circuit coupled to a plurality of ingress cables and a plurality of egress cables. (Afanador at page 3, lines 5-24) Each cable comprises a plurality of communication paths. (Afanador at page 3, lines 39-41). Although Afanador teaches ATM and STM network paths connected to the line selector, Afanador is merely teaching switching particular ATM ingress paths to a particular egress path or particular STM ingress paths to a separate egress path. (Afanador at page 3, line 42-49). There is simply no suggestion for an

ATM system sharing a communication path with an STM system because Afanador specifically states that the individual ingress paths are connected to *separate* egress communication paths. Therefore, Afanador is teaching away from sharing a single communication path by different types of networks because the different types of networks each utilize a *separate* communication path, which is the path established by the *line selector*. Thus, Applicant requests the withdrawal of the rejection of claims 2-3 and 5-6 at least because the Examiner's interpretation of Afanador is improper.

Accordingly, for at least the reasons discussed above, Applicant submits that the rejection of claims 1-6 is improper and requests it be withdrawn. Further, Applicant submits that claims 7-9 are in condition for allowance, and requests the Examiner to allow these claims.

### **Conclusion**

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

**AMENDMENT UNDER 37 C.F.R. § 1.111**  
**U.S. Application No. 09/859,441**

**Attorney Docket No. Q64569**

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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